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## Local Government & Housing Committee

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### HB 2301

**Brief Description:** Authorizing the department of community, trade, and economic development to approve comprehensive plans and development regulations.

**Sponsors:** Representative Nelson.

#### Brief Summary of Bill

- Authorizes the Department of Community, Trade, and Economic Development (DCTED) to approve county and city comprehensive plans and development regulations adopted under the Growth Management Act.
- Establishes related notification and procedural requirements for the DCTED.

**Hearing Date:** 3/4/09

**Staff:** Ethan Moreno (786-7386)

#### **Background:**

Growth Management Act - Introduction and General Planning Requirements.

The Growth Management Act (GMA or Act) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the Act (planning jurisdictions) and a reduced number of directives for all other counties and cities. Twenty-nine of Washington's 39 counties, and the cities within those counties, are planning jurisdictions.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must be coordinated and consistent with those of other counties and cities with which the county or city has common borders or related regional issues. The

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implementation of comprehensive plans occurs through locally adopted development regulations mandated by the GMA.

Comprehensive plans and development regulations are subject to continuing review and evaluation by the adopting county or city. With some exceptions, planning jurisdictions must review and, if needed, revise their comprehensive plans and development regulations according to a recurring seven-year statutory schedule. Jurisdictions that do not fully plan under the GMA must, with some exceptions, satisfy requirements pertaining to critical areas and natural resource lands according to this same schedule.

### Planning Goals.

The GMA establishes planning goals in a non-prioritized list that must be used exclusively for guiding the development and adoption of comprehensive plans and development regulations. Examples of planning goals include the following:

- Urban growth - Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- Housing - Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage the preservation of existing housing stock.
- Environment - Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

### Notification to the DCTED.

Planning jurisdictions, prior to the adoption of new or amended comprehensive plans and development regulations, must notify the Department of Community, Trade, and Economic Development (DCTED) of their intention to adopt these plans or regulations. Although the DCTED, the state agency that provides technical and financial assistance to jurisdictions implementing the GMA, is authorized comment on new or amended comprehensive plans and development regulations, it does not have authority to approve or disapprove these locally-adopted plans and regulations.

### Growth Management Hearings Boards.

The GMA establishes three regional Growth Management Hearings Boards (Boards). The three Boards, each of which contains three members appointed by the Governor, have limited jurisdiction and may only hear and determine petitions alleging:

- that a state agency or planning jurisdiction is noncompliant with the GMA, specific provisions of the Shoreline Management Act (SMA), or certain mandates of the State Environmental Policy Act (SEPA) relating to new or amended plans and regulations adopted under the GMA or SMA; or
- that a 20-year planning population projection adopted by the Office of Financial Management should be adjusted.

Requests for review to a Board must be made by a person with standing as a filed petition that contains a detailed statement of the issues presented for resolution. All petitions relating to whether an adopted or amended comprehensive plan or development regulation is in compliance

with the GMA or applicable provisions of the SMA or the SEPA must be filed within 60 days after the mandatory publication of the plan or regulation by the adopting planning jurisdiction.

### **Summary of Bill:**

New or amended comprehensive plans and development regulations become effective when approved by the DCTED, rather than by the governing body of the applicable county or city.

Upon receiving a new or amended comprehensive plan or development regulation adopted by a county or city, the DCTED must satisfy specific notification and procedural requirements, including:

- providing notice and an opportunity for written comment to interested parties of record and persons who have requested notice of proposed comprehensive plans, development regulations, and associated amendments. The comment period must, with some exceptions, be at least 30 days in duration;
- requesting that the county or city review the issues identified by the public and others and provide a written response as to how the proposal addresses the identified issues; and
- making, within 30 days after receipt of the county or city's written response to the publically identified issues, written findings and conclusions regarding the consistency of the proposal with the goals and requirements of the GMA.

Within this same 30-day period, the DCTED also must provide a response to the publically identified issues and:

- approve the proposal as submitted;
- recommend specific changes necessary to make the proposal approvable; or
- deny the proposal. Proposal denials are to be made at the DCTED's discretion in those instances where no alteration of the proposal appears likely to be consistent with the goals and requirements of the GMA.

If the DCTED recommends changes to the new or amended comprehensive plan or development regulation, the county or city may, within a 30-day period, agree to the proposed changes or submit an alternative proposal. If the DCTED determines that the alternative is consistent with the purpose and intent of the changes originally submitted by the DCTED and with the GMA, the DCTED must approve the changes and provide written notice to all recipients of the written findings and conclusions. If, however, the DCTED determines the proposal is not consistent with the purpose and intent of the changes proposed by the DCTED, the DCTED may resubmit the proposal for public and DCTED review or reject the proposal.

The DCTED must approve the new or amended comprehensive plan or development regulation unless it determines that the submitted proposal is not consistent with the goals and requirements of the GMA.

A new or amended comprehensive plan or development regulation takes effect when and in such form as approved or adopted by the DCTED. Comprehensive plans, development regulations, and associated amendments adopted before the effective date of the bill do not require review and approval by the DCTED.

Promptly after approval or disapproval of a new or amended comprehensive plan or development regulation, the county or city must publish a notice that the new or amended plan or regulation has been approved or disapproved by the DCTED.

All petitions to a Board relating to whether an adopted or amended comprehensive plan or development regulation is in compliance with the GMA or applicable provisions of the SMA or the SEPA must be filed within 60 days after the mandatory publication of notice by the applicable county or city that the plan or regulation has been approved or disapproved by the DCTED.

**Appropriation:** None.

**Fiscal Note:** Requested March 2, 2009.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.